THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16746 of 2005

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

Between:

Smt. Aswarthamma, w/o. V. Adinarayana Reddy,
R/o. kapuchennampalli village, Chilmathr Mandal, Anantapur District.

..... PETITIONER

AND

1 The joint Collector, Anantapur.
2 The Revenue Divisional Officer, Pendukonda, Anantapur District.
3 The mandal Revenue Officer, Chilamathur, Anantapur District.
4 Vadukuru Adeppa, S/o. V. Mallaiah,
R/o. Kapuchennampalli Village, Chilamathur Mandal, Anantapur District.

.....RESPONDENTS

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O R D E R:

The writ petitioner is the absolute owner and possessor of Ac.1.55 cents of land in Sy.No.474-3A of Kapuchennampalli village, Chilamathur Mandal having assigned the same under landless poor quota by the 3rd rspondent –Mandal Revenue Officer, Chilamathur by proceedings DAR Dis.No.26/414 dated 22-09-2004. Accordingly, the 3rd respondent issued D-Form patta to him. While so, the 2nd respondent-Revenue Divisional Officer, Penukonda, issued a notice dated 11-3-2005 calling upon to submit his explanation within two days therefrom stating that the land in question belongs to the 4th respondent-Vadukur Adeppa. Pursuant to the said notice, the writ petitioner submitted his explanation and also filed a suit in O.S.No.407 of 2004 before the learned Junior Civil Judge, Hindupur against the 4th respondent and obtained injunction order as well as police protection orders. The said orders are still in force. On appeal preferred by the 4th respondent, the 2nd respondent cancelled the D-Form patta of the writ petitioner by issuing proceedings in D.Dis.No.2240/2004, dated 8-4-2005. Aggrieved by the same, the writ petitioner filed W.P.No.11104 of 2005, wherein this Court at the stage of admission dismissed the writ petition giving liberty to the writ petitioner to pursue the alternative remedy of appeal available under Section 4-A(2) of A.P.Assigned Lands (Prohibition of Transfer) Act, 1977. In pursuance of the orders of this Court, the writ petitioner preferred an appeal before the 1st respondent-Joint Collector, wherein the 1st respondent while entertaining his appeal rejected to grant stay pending disposal of the appeal. Questioning the above inaction of the respondents, the writ petitioner by invoking jurisdiction under Article 226 of the Constitution of India filed the present writ petition.

Heard both sides.

I have perused the material available on record.

Admittedlyk, the Government assigned the land inquestion to the writ petitioner and issued D-Form patta iln his favour. But thereafter, the 2nd

respondent without assigning any reasons issued proceedings dated 8-4-2005 cancelling the D-Form Patta. It is the case of the writ petitioner that pursuant to the orders passed by this court in the above writ petition, he filed an appeal before the 1st respondent but the 1st respondent without assigning any reasons refused to grant stay pending disposal of the appeal.

Having regard to the facts and circumstances of the case and in view of the fact that the writ petitioner got injunction orders in O.S.No.407 of 2004 and in the light of the orders passed by this Court in w.P.No.11104 of 2005, without going into the merits of the case, I deem it appropriate to dispose of the writ petition directing the 1st respondent to consider and dispose of the appeal preferred by the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of the order after giving opportunity to the writ petitioner. Till such time, the respondents are directed not to interfere with the possession and enjoyment of the writ petitioner over the land in question.

With the above observation, the writ petition is disposed of. No costs.

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29-07-2005

Mjl/*